IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA **SOUTHERN DIVISION**

RUSSELL E. GARNER,

PLAINTIFF,

VS. Case No. 1:06cv781-MHT

PROGRESSIVE DIRECT INSURANCE

COMPANY,

DEFENDANT.

Plaintiff's Response to Defendant's Motion for Summary Judgment

Comes now the Plaintiff by and through the undersigned attorney and would show unto the Court as follows:

- 1. From Counsel's reading of the Court's scheduling order of September 28, 2006, the Defendant's motion for summary judgment is untimely filed. The deadline was February 12, 2007.
- 2. The Defendant never affirmatively pled the statute of limitations in its answer. The deadline to amend the pleadings was January 3, 2007. Failure to assert constitutes waiver.
- 3. The party responsible for the accident, Cindy R. Greene, was listed as having Progressive Insurance on the accident report. A copy of the accident report is attached to this pleading as Exhibit "A".
- 4. Counsel was informed sometime before September 28, 2004, that Ms. Green's policy had lapsed due to non-payment. See letter sent to Ms. Greene as Exhibit "B".
- 5. Plaintiff filed suit against his uninsured motorist carrier before the two year statute of limitations ran.
- 6. The Defendant filed suit against Ms. Green on its behalf and on behalf of the Plaintiff to recover the amount paid for the property damage the Defendant paid on behalf of Plaintiff. A copy of that complaint is attached as Exhibit "C".
- 7. On June 6, 2006, this Defendant sent a letter to the Plaintiff which indicated "Our investigation of your loss on August 9, 2004 indicates that another party is

responsible for some or all of your damages." See Progressive letter attached as Exhibit "D".

8. In addition to the numerous factual issues addressed above there are legal issues which prevent this Court from rendering a Summary Judgment.

Legal Analysis

The Defendant places a great deal of emphasis on the most recent Court of Civil Appeals case, State Farm v. Mason. The Mason opinion noted:

State Farm moved for a summary judgment, alleging that because the motor-vehicle collision made the basis of the complaint occurred on March 20, 2001, and Mason's complaint was not filed until March 26, 2003, the complaint was barred by the two-year statutory limitations period set out in § 6-2-38(l), Ala.Code 1975. State Farm's brief in support of its summary-judgment motion noted that the North Carolina Supreme Court, in Brown v. Lumbermens Mutual Casualty Co., 285 N.C. 313, 204 S.E.2d 829 (1974), had held that a limitations defense available to an uninsured motorist should, as a matter of law, be available to an insurer defending against a claim for UM benefits based upon conduct of that motorist and should, in an appropriate case, bar such a claim.

Mason, --- So.2d ----, 2007 WL 80487, *1 (Ala.Civ.App. 2007). In this case the Plaintiff filed suit the day before the statute ran. In addition, a suit was filed on the Plaintiff's behalf by this Defendant. Numerous cases indicate that the Plaintiff does not need to obtain a judgment against the uninsured motorist to establish that he is "legally entitled to recovery." Ex Parte State Farm Mut. Auto. Ins. Co., 893 So. 2d 1111, 1115 (Ala. 2005).

The Defendant's analysis of Continental National Indemnity Company v. Fields, 926 So. 2d 1033 (Ala. 2005) is similarly incorrect. In that case the plaintiff suffered a personal injury in a collision with an uninsured motorist. For reason totally unrelated to that collision, the plaintiff died before a suit or claim was filed. Claims for personal injury which are not filed cannot be pursued by the estate whether uninsured motorist coverage is an issue or not. The Fields Court noted:

Fields [the deceased plaintiff] argues that this case is distinguishable from Carlton and the cases we overruled in Carlton because, she argues, Tamms could have sued and recovered from the uninsured motorist in tort before her death. Thus, Fields asserts, this Court should allow Tamms's estate to recover under the uninsured-motorist statute, notwithstanding the fact that the estate cannot recover directly from the uninsured motorist. In effect, Fields asks us to create a new exception to the plain language of the uninsured-motorist statute, which requires the insured to be "legally entitled to recover" from the uninsured motorist. Fields, as personal representative of Tamms's estate, is not legally entitled to recover from the uninsured motorist. The uninsured-motorist statute carves out no exception for causes of action that may have been viable at one time but that are barred by a defense at the time they are filed.

Fields, at 1038.

In this case the Plaintiff filed suit before the two year statute ran. In addition the Defendant has conducted an investigation and determined that the uninsured motorist is at fault. Most importantly, the Defendant has retained counsel and instituted an action on its behalf and on behalf of my client in state court to recover the amount paid to Plaintiff for part of his property damage. Based upon all of these factors, Plaintiff respectfully submits that the Defendant's claim is due to be denied.

> _s/ David W. Rousseau_ DAVID W. ROUSSEAU (ROU007) 211 W. Adams Street Dothan, Alabama 36303 (334) 699-9000 Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this day mailed, postage prepaid, an exact copy of the foregoing document to:

Nix, Holtsford, Gilliland, Higgins & Hitson, P.C.

P.O. Box 4128 Montgomery, AL 36103-4128

> s/ David W. Rousseau____ Of counsel

IN THE CIRCUIT COURT OF DALE COUNTY, ALABAMA

PROGRESSIVE INSURANCE COMPANY)		
AS SUBROGEE OF RUSSELL GARNER)		
AND RUSSELL GARNER, INDIVIDUALLY,)	*	
)		
Plaintiffs,)		
)		
V.)	CASE NO. CV 2006-	16/M
)		((, .)
CINDY GREENE,)		
)		
Defendant.)		

COMPLAINT

On or about the 9th day of August, 2004 while traveling on Alabama Highway 27 within Dale County, Alabama the Defendant, negligently and/or wantonly caused or allowed the motor vehicle she was driving to collide with a motor vehicle owned and occupied by the Plaintiff's insured. As a proximate consequence of the Defendant's negligence and/or wantonness, the Plaintiffs insured's vehicle was bent, broken, and rendered less valuable wherein the Plaintiffs paid to their insured by and through a policy of insurance in force and effect at the time of the above described accident, Twelve Thousand Ten Dollars and 50/100 (\$12,010.50) wherein the insured had a Five Hundred Dollar and 00/100 (\$500.00) deductible.

WHEREFORE, the Plaintiffs demand judgment against the Defendant for the sum of Twelve Thousand Five Hundred Ten Dollars and 50/100 (\$12,510.50), plus interest and court costs.

Respectfully submitted.

BERNARD B CARR (CAR063) ATTORNEY FOR THE PLAINTIFFS

OF COUNSEL:

CHAMBLESS ❖ MATH, P.C. Post Office Box 230759 Montgomery, AL 36123-0759 (334) 272-2230

THE

Gamble LAW FIRM, P.C.

206 East Main Street Post Office Box 2104 Dothan, Alabama 36302

Michael J. Gamble David W. Rousseau

Telephone 334-793-2889 Telecopier 334-792-9611

September 28, 2004

Cindy R. Greene 347 County Road 401 Ozark, Alabama 36360

Dear Ms. Greene:

I have been informed by the insurance company listed on the accident report, Progressive, which indicates that your policy was cancelled shortly before the accident in July. I would be very much interested in talking to you about the circumstances surrounding that cancellation. Sometimes if your vehicle has a lien on it, the lien holder is required to be given information about the cancellation. In any event, it is in my clients best interest if there is some sort of insurance out there. Please contact me so we can discuss this matter in greater detail.

Sincerely,

David W. Rousseau

DWR/cjf)

Subrogation Unit P.O. Box 43258 Richmond Heights, OH 44143

RUSSELL E GARNER 888 WILLLOGAN RD OZARK, AL 36360 Underwritten by:

Progressive Direct Insurance Co. Claim number: 04-3537977

Date of loss: August 9, 2004 Today's date: June 6, 2006

1-800-734-0029

Monday through Friday 7:00 a.m. to 9:00 p.m. EST

Saturday 9:00 a.m. to 5:00 p.m. EST

Deductible reimbursement

Our investigation of your loss on August 9, 2004 indicates that another party is responsible for some or all of your damages. We will be seeking reimbursement from the other party for the portion of our payments for which they are responsible. Unless you request otherwise, we will include a separate demand for reimbursement of your deductible.

Our investigation shows that the other party is uninsured. It usually takes longer to recover from an uninsured party. Our ability to recover, and the speed with which we are able to do so, will depend on the ability and willingness of the other party to pay our claim. If the other party is unwilling to pay our claim, we may, at our sole discretion, pursue our claim through the available legal channels. This may significantly increase the time it takes to resolve this matter. We will inform you if we have to take this further action.

It is possible that you will not receive full or even partial reimbursement of your deductible if the other party refuses to cooperate with our collection attempts or if we find it necessary to incur expenses or legal fees to collect your deductible.

You have the right to opt out of our recovery efforts and pursue reimbursement of your deductible payment on your own. If you do not want us to pursue recovery of your deductible, please call by June 20, 2006 to inform us of your decision.

If we have not collected your deductible by September 4, 2006 we will provide a further status report to you. Please let us know if you change your address or telephone number so that we can contact you.

If you have any questions regarding the collection process or the status of our collection efforts, please contact us at the number above or go to progressive.com.

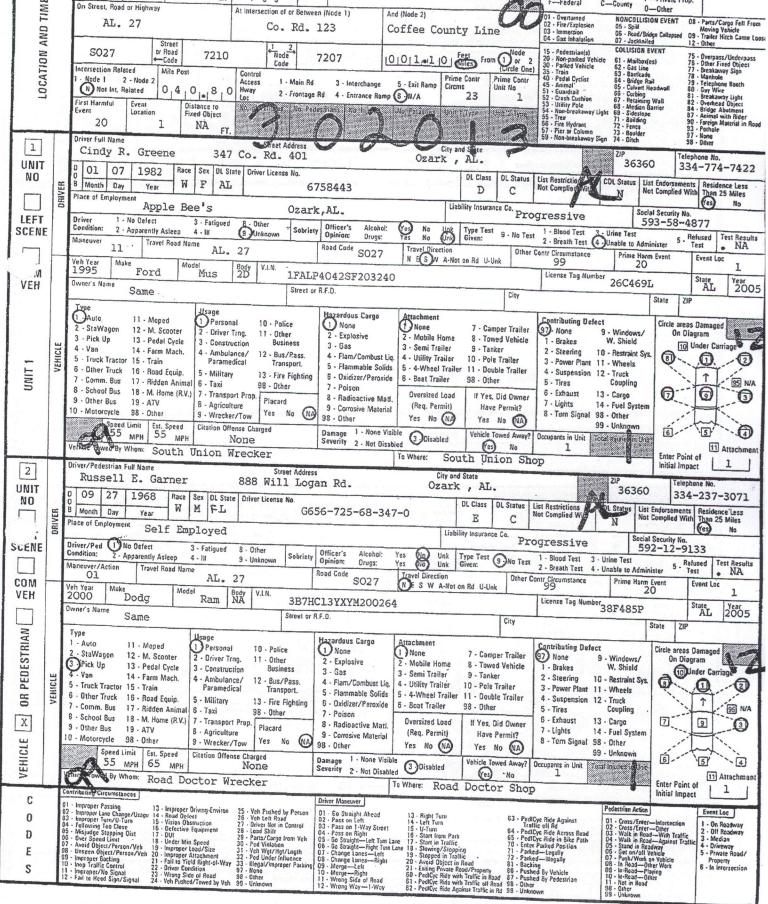
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ALABAMA UNIFORM TRAFFIC ACCIDENT REPORT PROPERT AFORE aug 1 \$ 2008 Shaded Areas To Re Used By Dara Processing Only Shoettel Microfilm No. Loral Case No. Day of Week Highway Classification:

|--|Interstate | S | State |
F--|Federal | C | County 8:55 PM MT 08 09 2004 M T W TH X 26 Local Zone M-Municipal Month Day Year FSS P-Private Prop. OCATION AND TIME On Street, Road or Highway 0-Other At Intersection of or Between (Node 1) And (Node 2) NONCOLLISION EVENT 08 05 · Spill 06 · Road/Bridge Collapsed 09 07 · Jackkniled 12 08 - Parts/Cargo Fell From Moving Vehicle 09 - Trailer Hitch Came Loose 12 - Other AL. 27 Co. Rd. 123 Fire/Explosion Coffee County Line 04 - Gas Inhalation Street Node 2 COLLISION EVENT 75 - Overpass/Underpas 78 - Other Fixed Object 77 - Breakaway Sign 78 - Manhole 79 - Telephone Booth 90 - Guy Wie 81 - Breakaway Light 82 - Overhead Object 84 - Bridge Abutmen 87 - Animal with Rider 90 - Foreign Material in Pedestrian(s) S027 or Road OOD 1 of Ories From Node or 2 (Circle One) COLUSION EVENT
61 - Mailbox(es)
62 - Gaz Line
63 - Barricade
63 - Barricade
64 - Bridge Rail
65 - Culvert Headwal
65 - Culvert Headwal
65 - Culvert Headwal
65 - Sudesiope
77 - Retaining Wall
69 - Sidesiope
71 - Building
72 - Fence
73 - Builder
74 - Ditch 7210 7207 - Pedestrian(s) Non-parked Vehicle - Parked Vehicle - Train - Pedal Cyclist - Animal - Guardrail -Code Code Intersection Related Mile Post Control Prime Contr Prime Contr 1 - Main Rd 2 - Node 2 Access 3 - Interchange 5 - Exit Ramo N Not Int. Related 0 4 0 8 0 Hway Unit No 2 - Frontage Rd 4 - Entrance Ramp 6 N/A 23 51 - Guardrail 52 - Crash Cushion 53 - Uridity Pole 54 - Non-breakaway Light 55 - Tree 56 - Fire Hydrant 57 - Pier or Column 59 - Non-breakaway Sign 1 First Harmful Event Distance to No. Pedesmans -Alo: Falaij Location Fixed Object 20 - Animat with Hider - Foreign Material in Road - Pothole - None - Other 7 NA Driver Full Name Street Address 1 Cindy R. Greene City and Ste 347 Co. Rd. 401 Telephone No. Ozark , AL. UNIT 36360 334-774-7422 01 07 1982 Race | Sex | DL State | Driver License No. NO DL Class OL Status | List Restrictio COL Status List Endorsements Residence Less Not Complied With Than 25 Miles Month Day W F AL Year 6758443 D C Place of Employment (es) Apple Bee's Liability Insurance Co. Ozark, AL. Progressive Social Security No. LEFT 1 - No Defect 3 - Fatigued 8 - Other 9 Unknow 593-58-4877 Officer's Opinion: Condition: 1 - Blood Test 3 - Urine Test
2 - Breath Test 4 - Unable to Administer Alcohol: 2 - Apparently Asleep Unk Type Test 9 - No Test 1 - Blood Test 4 - 111 5 - Refused Test Test Results • NA Maneuver Travel Road Name 11 .. AL. Road Code Travel Direction 27 Other Contr Circumstance 5027 Prime Harm Event N E(S)W A-Not on Rd U-Unk Veh Year 1995 99 Make 20 V.I.N Mus .VI Ford 1FALP4042SF203240 License Tag Number Owner's Name 26C469L Year 2005 VEH Same Street or R.F.D. City ZIP Type #sage Hazardous Cargo 1) Personal 2 · Driver Trng. Attachment None 11 - Moped Contributing Defect 97- None 9 10 · Police Circle areas Damaged 1) None 2 - StaWagon 7 - Camper Trailer 12 - M. Scooter In Diagram

10 Under Carriage 9 - Windows/ On Diagram 11 - Other 2 - Explosive 2 - Mobile Home 3 - Pick Up 13 - Pedal Cycle 8 - Towed Vehicle 1 - Brakes W. Shield 3 - Construction Business 3 - Gas 3 - Semi Trailer 4 - Van 14 - Farm Mach. 9 - Tanker 2 - Steering 10 - Restraint Sys. 4 - Ambulance/ 12 - Bus/Pass. 4 - Flam/Combust Lig. 1 5 - Truck Tractor 4 - Utility Trailer 1 10 - Pole Trailer 3 - Power Plant 11 - Wheels 15 - Train Paramedical Transport. 5 - Flammable Solids 5 - 4-Wheel Trailer 11 - Double Trailer 6 - Other Truck 16 - Road Equip. 4 - Suspension 12 - Truck 5 · Military 13 - Fire Fighting 6 - Oxidizer/Peroxide 1 6 - Boat Trailer 7 - Comm. Bus 17 - Ridden Animal 6 - Taxi 98 - Other 5 - Tires Coupling 95 N/A 98 - Other 7 - Poison 8 - School Bus 18 · M. Home (R.V.) 7 · Transport Prop. 6 - Exhaust **7** Oversized Load If Yes. Did Owner 13 - Cargo 3 8 - Radioactive Matt Placard 9 - Other Bus 19 - ATV 8 - Agriculture 7 - Lights (Reg. Permit) 14 - Fuel System Have Permit? 9 - Corrosive Material 10 - Motorcycle 98 · Other Yes No NA 8 - Turn Signal 98 - Other 9 - Wrecker/Tow 98 - Other Yes No (NA Yes No NA Speed Limit Est. Speed 55 MPH 55 MPH 99 - Unknow Citation Offense Charged **(1)** . 5 Damage 1 - None Visible Severity 2 - Not Disabled Vehicle Towed Away? Total injuries 3.Disabled None Occupants in Unit (es) Wwed By Whom: South Union Wrecker 11 Attachmer No 1 Enter Point of South Union Shop To Where: 1 Driver/Pedestrian Full Name Initial Impact 2 Street Address Russell E. Garner City and State 888 Will Logan Rd. Telephone No Ozark , AL. 36360 334-237-3071 09 27 1968 Race | Sex | DL State | Driver License No. NO DL Class **DL Status** W M FL List Restrictions List Endorsements Residence Less Not Complied With Than 25 Miles (es) No OL Status B Month Day DRIVER G656-725-68-347-0 Not Complied W E Place of Employment Self Employed Liability Insurance Co. Social Security No. 592-12-9133 Progressive Driver/Ped (1) No Defect 3 - Fatigued 8 - Other Officer's Alcohol: Unk 2 - Apparently Asleep 4 - 111 Sobriety Type Test 9 No Test 1 - Blood Test 3 - Urine Test 9 - Unknow 5 - Refused Maneuver/Action Drugs: Unk Test Results Travel Road Name 2 - Breath Test 4 - Unable to Administer Travel Direction

N E S W A-Not on Rd U-Unk Ol Road Code AL. 27 Other Contr Circumstance S027 Prime Harm Event 20 Make Dodg Event Loc Veh Year Model Body NA V.I.N. 1 License Tag Number 38F485P 2000 Ram 3B7HC13YXYM200264 State Year 2005 Owner's Name Same Street or R.F. D. City State ZIP Type Usage 1 Personal 2 · Oriver Trng. Hazardous Cargo Attachment 1 - Auto 11 - Moped None Contributing Defect 10 - Police Circle areas Damaged 2 - StaWagon (1) None 7 - Camper Trailer 12 - M. Scooter (97) None 9 - Windows On Diagram 11 - Other 2 - Explosive



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			21 - Lap Only Used 22 - Neither Used						
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VICTIMS	Cindy R. Greene 347 Co. Rd. 401 Ozark , AL. 1 1 A 22 F		Motorcycle Helmet 31 - None Used						
5		N D	32 · Used						
>	Dale County Medical Ctr. Dale County Medical Ctr. Emergy-Stat Rescue		Air Bags 41 - Deployed, Belts Used						
N/A	Russell E. Garner 888 Will Logan Rd. Ozark , AL. 2 1 A 35 M	NY D	42 - Not Deployed, Belts Used 43 - Deployed, Belts Not Used						
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Shaded Areas To Be Used By Data Processing Only Sheet 2 of 3 Sheet(s) Microfilm Nn Highway Classification:

I—Interstate S-State

F—Federal C—County Day of Week X M-Municipal 08 09 2004 8:55 M T W TH 26 P-Private Prop. Month Day Year FSS 0-Other OCATION AND TIME On Street, Road or Highway At Intersection of or Between (Node 1) And (Node 2) NONCOLLISION EVENT
05 - Spill
06 - Road/Bridge Collapsed
07 - Jackknifed
08 - Parts/Cargo Fell From Moving Vehicle
09 - Trailer Hitch Came Loose
12 - Other 02 - Fire/Explosion 03 - Immersion AL. 27 Co. Rd. 123 Coffee County Line 04 - Gas Inhalation 75 - Overposs/Underposs 76 - Other Fixed Object 77 - Breakoway Sign 78 - Manholo 80 - Greakoway Sign 70 - Greakoway Sign 80 - Greakoway Sign 80 - Greakoway Lipht 82 - Overboway Lipht 82 - Overboway Lipht 82 - Overboway Lipht 84 - Bridge Abutment 87 - Animal with Rider 90 - Foreign Material in Road 93 - Porthole 97 - None 98 - Other Pedestrian(s)
Non-parked Vehicle
Parked Vehicle
Train
Pedal Cyclist Street or Road COLLISION EVENT Node 2 Node or 2 (Lircle One) 61 · Mailbox(es) 0 0 1 1 0 Miles S027 7210 7207 - Mailbox(es)
- Gas Line
- Gas Line
- Sarricade
- Bridge Rail
- Culvert Headwall
- Curbing
- Retaining Walf
- Median Barrier
- Sideslope
- Building
- Fence
- Boulder -Code Code Intersection Related Mile Post Control Prime Contr Prime Contr Access 2 - Node 2 1 - Main Rd 3 - Interchange 5 - Exit Ramp Circms Unit No 101810 Not Int. Related 0,4 18 2 · Frontage Rd 4 · Entrance Ramp 6 N/A 23 1 First Harmful Distance to Ng Pedesinans | No Injuird No. of Vehicles No Farabhes | List 1 Type: -Unit 2 Type Location Event Fixed Object 20 NA Oriver Full Name Street Address City and State Telephone No. 3 Juan G. P. Haddock 705 Whittle Hudson Rd. Ozark , AL. 36360 334-774-0712 UNIT Race | Sex | DL State | Driver License No. 11 27 1954 DL Class DL Status List Endorsements Residence Less Not Complied With Than 25 Miles (res) No List Restriction NO Not Complied H M AL Month Day 9319307 D C Place of Employment Liability Insurance Co. Social Security No. Wallace College Dothan , AL. AIU 583-70-7863 No Defect LEFT 3 - Fatigued 8 - Other Type Test No Test 1 - Blood Test 3 - Urine Test Given: 2 - Breath Test 4 - Unable to Administer Officer's Alcohola Sobriety 5 - Refused Test Results NA Condition: Apparently Asleep 4 - 111 9 - Unknown Opinion Drugs: SCENE Yes Unk Maneuver Travel Road Name Travel Direction

N E S W A-Not on Rd U-Unk Other Contr Circumstance Road Code Prime Harm Event 01 Event Loc AL. 27 5027 Make Sody 2D Model VIN License Tag Number Year 1995 Chry 1C3EU4536SF607139 MUJ 26B566D AL 2005 Owner's Name VEH Street or R.F.D. City Same State ZIP Hazardous Cargo 1) None Auto. Usage Dersonal 2 - Driver Trng. Contributing Defect 97 None 9 Attachment Circle areas Damaged 11 - Moped 10 - Police 1) None 7 - Camper Trailer 9 - Windows/ On Diagram 2 · StaWagon 12 - M. Scooter 11 - Other 2 - Explosive 2 - Mobile Home W. Shield 8 - Yowed Vehicle 1 - Brakes 10 Under Carriage 3 · Pick Up 13 - Pedal Cycle 3 - Construction Business 3 - Gas 3 - Semi Trailer 9 - Tanker 10 - Restraint Sys. 2 - Steering 2 4 · Van 14 · Farm Mach. 4 - Ambulance/ 12 - Rus /Page 4 - Flam/Combust Lig. 4 - Utility Trailer 10 - Pole Trailer 3 - Power Plant 11 - Wheels 5 - Truck Tractor 15 - Train Paramedical 5 - Flammable Solids Transport. 5 · 4-Wheel Trailer 11 - Double Trailer 4 - Suspension 12 - Truck 1 6 · Other Truck 16 · Road Equip. 5 · Military 6 - Oxidizer/Peroxide 95 N/A UNIT 13 - Fire Fighting Coupling 6 - Boat Trailer 98 - Other 5 - Tires 7 - Comm. Bus 17 - Ridden Animal 6 - Taxi 98 - Other 7 - Poison 6 - Exhaust 13 - Cargo 9 7 3 8 · School Bus 18 - M. Home (R.V.) Oversized Load If Yes, Did Owner 7 - Transport Prop. 8 - Radioactive Matt 7 - Lights 14 - Fuel System Placard 9 - Other Bus 19 - ATV (Reg. Permit) Have Permit? 8 - Agriculture 9 - Corrosive Material 8 - Turn Signal 98 - Other 10 - Motorcycle Yes No NA 98 - Other Yes No NA 9 - Wrecker/Tow Yes No NA 98 - Other 99 - Unknown 5 4 Speed Limit Est. Speed Citation Offense Charged Damage 1 · None Visione Severity 2 Not Disabled Vehicle Towed Away? Occupants in Unit Total Inj 3 - Disabled 55 MPH 50 MPH None 11 Attachmen No wed By Whom: Enter Point of NA 1 To Where: NA Initial Impact Driver/Pedestrian Full Name Street Address City and State X Telephone No. UNIT Race | Sex | DL State | Driver License No. OL Class DL Status List Restrictions CDL Status List Endorsements | Residence Less MO Not Complied With 8 Month Day Not Complied With Than 25 Miles DRIVER Year Yes No Place of Employment Liability Insurance Co Social Security No. FT 1 - No Defect 3 - Fatigued Driver/Ped 8 - Other SCENE Officer's Alcohol Unk 1 - Blood Test 3 - Uring Test 5 - Refused Type Test 9 - No Test Condition: 2 - Apparently Asleep 4 - []] Opinion: Yes No Unk 2 - Breath Test 4 - Unable to Administer Maneuver/Action Travel Road Name Road Code Travel Direction Other Contr Circumstance Prime Harm Event Event Loc N E S W A-Not on Rd U-Unit COM Veh Year Make Model Body V.I.N License Tag Number VEH State Year Owner's Name Street or R.F.D. City State PEDESTRIAN Usage Hazardous Cargo Attachment Contributing Defect Circle areas Damaged 1 - Auto 11 - Moned 1 - Personal 10 - Police 1 - None 1 - None 7 - Camper Trailer 97 - None 9 - Windows On Diagram 2 - StaWagon 12 - M. Scooter 2 · Oriver Trng. 11 - Other 2 · Explosive 2 - Mobile Home 8 - Towed Vehicle 1 - Brakes W. Shield 10 Under Carriage 3 - Pick Up 13 - Pedal Cycle 3 - Construction 9 - Tanker 3 - Gas 3 - Semi Trailer 2 - Steering 10 - Restraint Sys. 4 - Van 8 1 14 - Farm Mach. 12 - Bus/Pass -12 4 - Ambulance/ 4 - Flam/Combust Lig. 4 - Utility Trailer 10 - Pole Trailer 3 - Power Plant 11 - Wheels 5 - Truck Tractor 15 - Train Paramedical Transport. 5 - Flammable Solids 5 - 4-Wheel Trailer 11 - Double Trailer 4 - Suspension 12 - Truck 1 6 - Other Truck 5 - Military 16 - Road Equip. 13 - Fire Fighting 08 6 - Oxidizer/Peroxide 6 - Boat Trailer 95 N/A 98 - Other 5 - Tires Coupling 7 - Comm. Bus 17 - Ridden Animal 6 - Taxi 98 - Other 7 - Phisnn 6 - Exhaust 7 9 13 - Caron 3 Oversized Load 8 - School Bus If Yes, Did Owner 18 - M. Home (R.V.) 7 - Transport Prop. 8 - Radioactive Matt 7 - Lights Placard 14 - Fuel System 9 - Other Bus 19 - ATV 8 - Agriculture 9 - Corrosive Material (Reg. Permit) Have Permit? 8 - Turn Signal 98 · Other 10 · Motorcycle 98 - Other 9 - Wrecker/Tow Yes No Yes No NA Yes No NA 98 - Other 99 - Unknown 3 Speed Limit 5 4 Est. Speed Citation Offense Charged Damage 1 · None Visible Severity 2 · Not Disabled Vehicle Towed Away? Occupants in Unit Total Injunes in Unit 3 · Disabled MPH VEHI 11 Attachme Vehicle Towed By Whom; Enter Point of To Where: Initial Impact Contributing Circumstances Driver Maneuver C Improper Possing
Improper Lane Change/Üsage
Improper Lane Change/Üsage
Improper Turn/U-Turn
Following Too Close
Misjudge Stopping Dist
Over Speed Limit
Avoid Object/Person/Veh
Unseen Object/Person/Veh
Improper Backing
Improper Backing
Improper Misservick
Improper Backing
Improper Misservick
Improper Misse 13 - Impreper Driving-Environ
14 - Road Defect
14 - Road Defect
15 - Vision Obstruction
16 - Defective Equipment
17 - Dut
18 - Under Min Speed
19 - Impreper Load/Size
20 - Improper Load/Size
20 - Improper Attachment
21 - Fail to Yield Right-ot-Way
22 - Driver Condition
23 - Wrong Side of Road
24 - Veh Pushed/Towed by Veh Pedestrian Action 11 - Go Straight Ahead
22 - Pass on Left
32 - Pass on Left
33 - Pass on Left
44 - Pass on Right
55 - Go Straight—Left Turn Lane
66 - Go Straight—Right Turn Lane
77 - Change Lanes—Right
80 - Change Lanes—Right
10 - Merge—Right
10 - Merge—Right
11 - Wrong Stide of Road
12 - Wrong Way—1-Way Event Loc 13 - Right Turn
14 - Lett Turn
15 - U-Turn
16 - Start from Park
16 - Start from Park
17 - Start in Traffic
18 - Slowing/Stopping
19 - Stopped in Traffic
20 - Avoid Object in Road
21 - Eating Private Road/Properny
50 - PedfOye Ride with Traffic in Road
51 - PedfOye Ride with Traffic in Road
51 - PedfOye Ride with Traffic in Road
52 - PedfOye Ride Against Traffic in Rd
52 - PedfOye Ride Against Traffic in Rd
53 - PedfOye Ride Against Traffic in Rd
54 - PedfOye Ride Against Traffic in Rd
55 - PedfOye Ride Against Traffic in Rd
57 - Pushed Sy Vehicle
58 - PedfOye Ride Against Traffic in Rd
59 - Unknown Veh Pushed by Person
Veh Lelt Road
Driver Not in Control
Load Shift
Parts/Corgo from Veh
Ped Violation Cross/Enter—Intersection
- Cross/Enter—Untersection
- Cross/Enter—Untersection
- Walk in Road—With Traffic
- Walk in Road—With Traffic
- Walk in Road—With Traffic
- Stand in Roadway
- Get on/off Vehicle
- In Road—Uther Work
- In Road—Uther Work
- In Road—Uther
- Other
- Not in Road
- Other
- Unknown 25 26 27 28 29 30 31 01 02 03 04 05 06 07 08 09 10 1 - On Roadway 2 - Oli Roadway 0 3 - Median 4 - Oriveway
5 - Private Road/
Property
6 - In Intersection D yer Yed Violation
31 - Veh Wgt/Hgt/Lngth
32 - Ped Under Influence
33 - Illegal/Improper Parking
97 - Mone
98 - Other
99 - Unknown E S Improper/No Signal Fail to Reed Sign/Signal

ALABAMA UNIFORM TRAFFIC ACCIDENT REPORT

SEATING SEATING	Other Involved Unit	2 3 10 10 11 Se No Po Taken By A - Ambulance Attended	os Type Age Sex tion A	CODES SAFETY COUIPMENT 01 None Installed 95 Not Applicable 99 Unknown (Any Type) Lap Bell Only 11 - Fastened Lap/Shoulder Harness 21 - Uap Only Used 22 Neither Used 23 Shoulder Only Used 24 Shoulder Helmet 31 Name Used 32 Used Air Baps 41 Deployed Belts Used 42 Net Deployed, Belts Used 43 Deployed Belts Not Used 44 Net Deployed, Belts Used 45 Deployed Belts Not Used 46 Shoulder Used 47 Net Deployed, Belts Used 48 Deployed Belts Not Used 49 Used 40 Deployed Belts Not Used 41 Deployed Belts Not Used 42 Deployed Belts Not Used 43 Deployed Belts Not Used 44 Net Deployed, Belts Used 45 Deployed Belts Not Used 46 Deployed Belts Not Used 47 Deployed Belts Not Used 48 Deployed Belts Not Used 48 Deployed Belts Not Used 49 Deployed Belts Not Used 40 Deployed Belts Not Used 40 Deployed Belts Not Used 41 Deployed Belts Not Used 42 Deployed Belts Not Used 43 Name Used 44 Not Deployed Belts Not Used 45 Deployed Belts Not Used 46 Deployed Belts Not Used 47 Deployed Belts Not Used 48 Deployed Belts Not Used 49 Deployed Belts Not Used 40 Deployed Belts Not Used 40 Deployed Belts Not Used 40 Deployed Belts Not Used 41 Deployed Belts Not Used 42 Deployed Belts Not Used				
NARRATIVE AND DIAGRAM	B · Bruise / Abrasion / Swelling C · Not Visible — Has Pain / Faint P · Partially A · Not Applicable See Sheet 3 Of 3 Sheets! Officer's Opinion of What Happened: See Sheet 3 Of 3 Sheets!	D - Doctor	M · Paramedic P · Police U · Unknown N · Nane	91 - Contrasting Clothing 92 - Non-confushing Clothing				
ROADWAY ENVIRONMENT ⊠≧	1 1 1 2 2 2 2 2 2 3 3 2 2	5 · Gravel 2 2 · Nat 2 2 · Nat 3 3 · Drot 4 · Alr. Fel 8 · Other 9 9 · Uni 11 · Flagger 12 12 · No Passing Zone 97 97 · None 98 98 · Other Control (es) Yes	eady in Road, But Il From Vehicle her 3 - Straight—L 4 4 - Straight—L 5 5 - Curve—Lev	Down Grade 7 7 - Curve—Up G- Jp Grade 8 8 - Curve—Hills Hillorest				
	Light Joakness—Road Lit John Not Lit John No							

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UNIFORM TRAFFIC ACCIDENT REPORT

4521656

		s.		SHI	SHEET		OF	3	SHEET(
AS	ST No. 34	Rev. 4/86	S	UPPLEMENTAL	SHEET	No.		Unit No.	Seat Pos.	Injury Type	Age	Sex	Ejec- tion	First Aid By
	3	Name	NA		Address									
		Taken to			Taken by									
	4	Name	NA		Address									
		Taken to			Taken by	,			4					
CIDENT VICTIMS	5	Name	NA		Address	10 ¹ -17-111-111-111-111-11-11-11-11-11-11-11						-		
	-	Taken to			Taken by									
	6	Name	NA		Address									
	0	Taken to	III		Taken by									
V	7	Name	NA		Address									
DEN	7	Taken to	NA		Taken by									
ਹ		Name	NT2		Address									
A	8	Taken to	NA		Taken by									
ADDITIONA	-	Name	173		Address									
laa	9	Taken to	NA		Taken by		<u> </u>							
A	-	Name			Address									
	10	Taken to	NA											
		Name			Taken by			No manage and an analysis of the same of						
	11	Taken to	NA		Address	W	·-						٥	
					Taken by									
	12	Name	NA		Address									
		Taken to			Taken by									
		DESCRI	BE WHAT HA	PPENED (Refer to	vehicles by	number)								
	Veh.#1 was traveling South on AL. 27. Veh.#2 was traveling North on AL. 27. Veh.#3 was also traveling North										th			
	on AL. 27 behind Veh.#2. Veh.#2 had just passed Veh.#3 in a no passing zone and got back into the Northbound lane										lane			
	whe	n it met N	Veh.#1 Southbo	ound in the Northb	ound lane. D	river of V	eh.#2 swerve	d to the	rig	nt ar	id the	en sw	erved	1
ш	har	d to the	left attempti	ng to avoid Veh.#1	. The right	front of V	eh.#2 made i	mpact wi	th th	e ric	ht f	ront	of Ve	h.#
SPACE	1			Veh.#1 partialy 1				-	-					
				on the Southbound										
ATI				to stop. The front										•
ABB				ame to a stop in t										
AL N				h.#1 was clearly o										
ADDITIONAL NARRATIVE								222						
DIT	had just passed him and that it was his opinion that Veh.#2 was traveling well over the speed limit. Driver of													
AL	Veh.#1 stated that all she remembered was that she dropped her cellular telephone and was trying to pick it up.									ıp.				

